

## 2055 SEXUAL ASSAULT AND SEXUAL HARASSMENT

Chapter: **Sununu Youth Services Center**

Section: **Safety and Security**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **17-44**

Effective Date: **August 2017**

Scheduled Review Date:

Approved:

  
Christine Tappan, Senior DCYF Director

Related Statute(s): [RSA 169-B](#), [RSA 169-C](#), [RSA 354-A:7](#), [RSA 621](#), [RSA 621-A](#), [RSA 629](#), [RSA 632-A](#), [RSA 639:3](#), and [RSA 642:2](#)

Related Admin Rule(s): [PER 1002](#)

Related Federal Regulation(s): [P.L. 108-79](#)

**PREA Standards** [115.311\(a\)](#), [321 \(a\)](#), [321 \(b\)](#), [321 \(c\)](#), [321 \(d\)](#), [321 \(e\)](#), [321 \(f\)](#), [321 \(g1\)](#), [321 \(g2\)](#), [322 \(a\)](#), [322 \(b\)](#), [322 \(c\)](#), [322 \(d\)](#), [322 \(e\)](#), [331 \(a1\)](#), [331 \(a2\)](#), [331 \(a3\)](#), [331 \(a4\)](#), [331 \(a5\)](#), [331 \(a6\)](#), [331 \(a7\)](#), [331 \(a8\)](#), [331 \(a9\)](#), [331 \(a10\)](#), [331 \(a11\)](#), [331 \(b\)](#), [331 \(c\)](#), [331 \(d\)](#), [332 \(a\)](#), [332 \(b\)](#), [332 \(c\)](#), [334 \(a\)](#), [334 \(b\)](#), [334 \(c\)](#), [334 \(d\)](#), [335 \(a1\)](#), [335 \(a2\)](#), [335 \(a3\)](#), [335 \(a4\)](#), [335 \(c\)](#), [335 \(d\)](#), [341 \(a\)](#), [341 \(b\)](#), [341 \(c1\)](#), [341 \(c2\)](#), [341 \(c3\)](#), [341 \(c4\)](#), [341 \(c5\)](#), [341 \(c6\)](#), [341 \(c7\)](#), [341 \(c8\)](#), [341 \(c9\)](#), [341 \(c10\)](#), [341 \(c11\)](#), [341 \(d\)](#), [341 \(e\)](#), [342 \(c\)](#), [351 \(a\)](#), [351 \(b\)](#), [351 \(c\)](#), [351 \(e\)](#), [354](#), [361 \(a\)](#), [361 \(b\)](#), [361 \(c\)](#), [361 \(d1\)](#), [361 \(d2\)](#), [361 \(e1\)](#), [361 \(e2\)](#), [361 \(e3\)](#), [361 \(f\)](#), [362](#), [363 \(a\)](#), [363 \(b\)](#), [363 \(c\)](#), [363 \(d\)](#), [364 \(a1\)](#), [364 \(a2\)](#), [364 \(a3\)](#), [364 \(a4\)](#), [364 \(b\)](#), [365](#), [366](#), [367 \(a\)](#), [367 \(b\)](#), [367 \(c\)](#), [367 \(d\)](#), [367 \(e\)](#), [367 \(f\)](#), [371 \(a\)](#), [371 \(b\)](#), [371 \(c\)](#), [371 \(d\)](#), [371 \(e\)](#), [371 \(f\)](#), [371 \(g1\)](#), [371 \(g2\)](#), [371 \(h\)](#), [371 \(i\)](#), [371 \(j\)](#), [371 \(k\)](#), [371 \(l\)](#), [371 \(m\)](#), [372](#), [373 \(a\)](#), [373 \(b\)](#), [373 \(c\)](#), [373 \(c1\)](#), [373 \(c2\)](#), [373 \(c3\)](#), [373 \(c4\)](#), [373 \(d\)](#), [373 \(d1\)](#), [373 \(d2\)](#), [373 \(e\)](#), [373 \(f\)](#), [376 \(a\)](#), [376 \(b\)](#), [376 \(c\)](#), [376 \(d\)](#), [377 \(a\)](#), [377 \(b\)](#), [378 \(e\)](#), [381 \(a\)](#), [381 \(b\)](#), [381 \(c\)](#), [381 \(d\)](#), [382 \(a\)](#), [382 \(c\)](#), [382 \(d\)](#), [383 \(a\)](#), [383 \(b\)](#), [383 \(c\)](#), [383 \(d\)](#), [383 \(e\)](#), [383 \(f\)](#), [383 \(g\)](#), [383 \(h\)](#), [386 \(a\)](#), [386 \(b\)](#), [386 \(c\)](#), [386 \(d1\)](#), [386 \(d2\)](#), [386 \(d3\)](#), [386 \(d4\)](#), [386 \(d5\)](#), [386 \(d6\)](#), [386 \(e\)](#)

Related Form(s): [FORM 2035](#), [FORM 2036](#), [FORM 2037](#), [FORM 2055](#), [FORM 2095](#), [FORM 2096](#), [FORM 2097](#), [FORM 2477](#), [FORM 2497](#), [FORM 2498](#), [SYSC PREA Intake Poster](#), [PREA Facts about SA Poster](#), [PREA Safety Guidelines Poster](#), [PREA Female Unit Poster](#), [PREA Male Unit Poster](#), [PREA Third Party Poster](#), and [PREA Vulnerability Assessment](#)

Bridges' Screen(s) and Attachment(s):

IF AN ASSAULT JUST OCCURRED, CLICK TO GO TO THE [INITIAL RESPONSE SECTION NOW](#)

The Sununu Youth Services Center (SYSC) is committed to providing a safe and therapeutic environment for all youth committed or detained that is free from sexual abuse or harassment. Additionally, the SYSC establishes policy and procedure to comply with the prevention, detection, and response to sexual abuse and harassment provisions of PREA.

## Purpose

This policy establishes the Sununu Youth Services Center's (SYSC) zero tolerance towards all forms of sexual abuse and sexual harassment and outlines the SYSC approach to preventing, detecting, and responding to such conduct according to the provisions of the Prison Rape Elimination Act of 2003 (PREA) (P.L. 108-79). Other SYSC policies may reference PREA when the subject matter is appropriate. This policy is the SYSC plan to coordinate all actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and SYSC Administration (115.365).

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## Definitions

**"Contractor"** means a person who provides services on a recurring basis pursuant to a contractual agreement or memorandum of understanding with the Sununu Youth Services Center.

**"Internal Investigator"** means Sununu Youth Services Center staff that has received specialized training in accordance with PREA to function as an administrative investigator for allegations that fall under PREA.

**"Intersex"** means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

**"PREA Allegation"** means an allegation for an act that is included in the Prison Rape Elimination Act of 2003, P.L. 108-79.

**"Sexual Abuse"** includes—

- (1) *Sexual abuse of a committed or detained youth by committed or detained youth* means any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuses:
  - a. Contact between the penis and the vulva, or the penis and the anus, including any degree of penetration;

- b. Contact between the mouth and the penis, vulva, or anus;
  - c. Any degree of penetration of the anal or genital opening of another person, by a hand, finger, object, or other instrument; and
  - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- (2) *Sexual abuse of a committed or detained youth by a staff member, contractor, or volunteer* includes any of the following acts, with or without consent of the committed or detained youth:
- a. Contact between the penis and the vulva, or the penis and the anus, including any degree of penetration;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  - d. Any degree of penetration of the anal or genital opening, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  - e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  - f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in sections (a) through (e) of this definition;
  - g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a committed or detained youth; and
  - h. Voyeurism by a staff member, contractor, or volunteer.

**“Sexual Harassment”** for the purposes of this policy means:

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by a committed or detained youth toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to a committed or detained youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**“Sexual Misconduct”** means an allegation of inappropriate sexual behavior, not meeting the definitions of sexual abuse or sexual harassment as defined in this policy that may or may not be designated

as a PREA Incident by the PREA Coordinator and the Bureau Chief of Clinical and Residential Services or designee.

**"Screened-In"** means a determination that a PREA allegation warrants further investigation.

**"Screened-Out"** means a determination that a PREA allegation does not warrant further investigation. Justification for this determination must be documented and reviewed by the PREA Coordinator or designee.

**"Substantiated Allegation"** or **"Founded Allegation"** means a PREA allegation that was investigated and determined to have occurred.

**"SYSC"** or the **"John H. Sununu Youth Services Center"** means the architecturally secure juvenile treatment facility administered by the DHHS Division for Children, Youth and Families.

**"Transgender"** means a person whose gender identity (*i.e.*, internal sense of feeling male or female) is different from the person's assigned sex at birth.

**"Unfounded Allegation"** means a PREA allegation that was investigated and determined not to have occurred.

**"Unsubstantiated Allegation"** means a PREA allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**"Voyeurism by a Staff Member, Contractor, or Volunteer"** means an invasion of privacy of a committed or detained youth by staff, contractor, or volunteer for reasons unrelated to official duties, such as: peering at a youth who is using a toilet to perform bodily functions; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions. For the purposes of this policy, voyeurism shall be considered sexual abuse.

**"Volunteer"** means an individual who has been approved to donate time and effort on a recurring basis to enhance the activities and programs of the Sununu Youth Services Center.

## Policy

### I. GENERAL PROVISIONS:

- A. The Sununu Youth Services Center (SYSC) establishes zero tolerance towards all forms of sexual abuse, sexual harassment, and/or other forms of sexual misconduct. Sexual or sexualized behavior or sexual harassment from staff-to-staff, staff-to-youth, or youth-to-youth is expressly prohibited (115.311(a)).
  1. Youth-to-staff sexual harassment will be investigated and subject to authorized disciplinary action according to the provisions of this policy and [Policy 2100 "Rules Violations."](#) All alleged incidents must be initially reported on Form 2055 "Reporting Form For Sexual Abuse, Sexual Assault, and Sexual Harassment."
  2. Youth-to-staff sexual abuse is a potential criminal (delinquent) offense that will be investigated and prosecuted as applicable according to the provisions of this policy.

- B. Whenever a youth is subject to substantial risk of imminent sexual abuse, staff must take immediate action to protect the youth (115.362) according to the provisions of this policy and [Policy 2053 "Emergency Response."](#)
- C. The SYSC prohibits youth from engaging in sexualized behavior with other youth or staff due to age, custodial status, and applicable New Hampshire laws.
- D. Applicable criminal acts of the New Hampshire Revised Statutes Annotated (RSA) include, but are not limited, to the following for staff or youth engaging in sexual conduct:
  - 1. [Sexual Assault - RSA 632-A;](#)
  - 2. [Sexual Abuse - RSA 169-C:3 XXVII-a;](#)
  - 3. [Child Sexual Abuse Images - RSA 649-A;](#)
  - 4. [Endangering the Welfare of a Minor – RSA 639:3;](#)
  - 5. [Indecent Exposure and Lewdness - RSA 645:1;](#)
  - 6. [Prostitution – RSA 645:2;](#)
  - 7. [Attempt, Criminal Solicitation, and Conspiracy to Commit a Crime - RSA 629; and](#)
  - 8. [Unlawful Discriminatory Practices \(Sexual Harassment\) – RSA 354-A:7.](#)
- E. Furthermore, the Governor has issued an order updating the [New Hampshire Policy on Sexual Harassment](#) that prohibits and defines sexual harassment in any workplace.
- F. In addition to any other reporting responsibilities included in this policy, staff who have reason to suspect that any child/youth has been abused or neglected must report as required under [RSA 169-C:29](#) by calling DCYF Central Intake Unit at (800) 894-5533 or 271-6563 (115.361(b)).
- G. In addition to other provisions on non-discrimination, including but not limited to [DHHS policies](#) - "Civil Rights and Complaint Procedure," "Policy Regarding AIDS and HIV Infection for Employees," and DCYF's policy(ies) on [professionalism and ethics](#), discrimination based on sexual orientation or gender identity is expressly prohibited.
- H. Any staff, contractor, or volunteer engaging in sexual behavior will be subject to discipline, up to and including dismissal without warning, and referred to law enforcement for criminal investigation (115.376 (a)).
  - 1. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse (115.376 (b)).
  - 2. Disciplinary sanctions for violations of SYSC policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories (115.376 (c)).

3. Unless the activity was clearly not criminal, all terminations for violations of SYSC sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the New Hampshire State Police, Manchester Police Department, and/or the New Hampshire Attorney General's Office and to any relevant licensing bodies (115.376 (d)).
  4. Corrective action for contractors and volunteers:
    - (a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with youth and shall be reported to Law Enforcement, unless the behavior was clearly not criminal, and to all licensing bodies (115.377 (a)) as applicable.
    - (b) The SYSC Director, or designee, shall take appropriate remedial measures and must consider whether to prohibit further contact with youth in the case of any other violation of this policy by a contractor or volunteer (115.377 (b)).
  5. Furthermore, corrective actions and discipline shall be consistent with existing Administrative Rules including reassignment, disciplinary record retention, and termination. See generally Administrative Rules PER 1002 (115.366).
- I. Lesbian, gay, bisexual, transgender, or intersex youth shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall the SYSC consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive (115.342 (c)). For further reference, see [Policy 2140 "Classification of Committed Youth."](#)
  - J. The PREA Standards apply to youth committed or detained at the SYSC, and to youth on Administrative Release to Parole from SYSC. Incidents involving youth who have been granted parole through the New Hampshire Juvenile Parole Board that allege sexual abuse or sexual harassment shall be reviewed by the SYSC Director, their designee, and the PREA Coordinator on a case-by-case basis for consideration as a PREA Incident.
  - K. This policy governs the conduct of administrative investigations of sexual abuse or sexual harassment in the SYSC by the SYSC Internal Investigator. This policy also provides guidance for the conduct of criminal (delinquency) investigations of sexual abuse or sexual harassment in SYSC by the New Hampshire State Police, the Manchester Police Department, and/or the New Hampshire Attorney General's Office (115.322 (d)). This policy describes the responsibilities of internal SYSC administrative investigations as well as criminal (or delinquency) investigations conducted by the New Hampshire State Police, Manchester Police Department, and/or the New Hampshire Attorney General's Office (115.322 (c)).
  - L. Committed or detained youth may be disciplined or prosecuted for sexual contact with staff **only** upon a finding that the staff member did not consent to such contact (115.378 (e)).
  - M. The SYSC shall publish this policy on its website (115.322 (b) in part) and distribute publicly, information on how to report sexual abuse and sexual harassment on behalf of a committed or detained youth (115.354 in part).

- N. Sexual misconduct by staff or youth shall be reviewed by the PREA Coordinator and Bureau Chief of Clinical and Residential Services or designee for further consideration for appropriate action.

## II. SCREENING AND USE OF INFORMATION GATHERED:

- A. Within 72 hours of a youth's arrival at the SYSC, and every six months throughout a youth's commitment, the SYSC shall obtain and use information about each youth's personal history and behavior to reduce the risk of sexual abuse by or upon the youth (115.341 (a)).
  - 1. For the initial screening, Clinical and Medical staff shall abide by [Policy 2132 "Clinical Services for Committed Residents"](#) or [Policy 2160 "Residential Services for Detained Residents."](#)
  - 2. For the periodic six-month screenings, pursuant to this standard, Clinical staff shall abide by [Policy 2130 "Treatment Plans and Reviews."](#)
  - 3. The SYSC shall use an objective screening instrument (115.341 (b)) that at a minimum ascertains information regarding:
    - (a) The youth's prior sexual victimization or abusiveness (115.341 (c1));
    - (b) Any gender non-conforming appearance or manner or identification as lesbian, gay, bisexual, transgendered, or intersex and whether the youth may therefore be vulnerable to sexual abuse (115.341 (c2));
    - (c) Current charges and offense history (115.341 (c3));
    - (d) Age (115.341 (c4));
    - (e) Level of cognitive and emotional development (115.341 (c5));
    - (f) Physical size and structure (115.341 (c6));
    - (g) Mental illness or mental disabilities (115.341 (c7));
    - (h) Intellectual or developmental disabilities (115.341 (c8));
    - (i) Physical disabilities (115.341 (c9));
    - (j) The youth's own perception of vulnerability (115.341 (c10)); and
    - (k) Any other specific information about individual youth that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other youth (115.341 c11).
- B. For the initial screening, staff will gather information through: conversations with the youth during the intake process, the Nursing Health Assessment, and Clinical Assessments; during classification assessments; and by reviewing court records, case files, SYSC behavioral records, and other relevant documentation from the youth's files (115.341 (d)).

- C. The youth's treatment team shall use information gathered from all sources during the previous six months at every other quarterly treatment team meeting for the youth's six-month review.
- D. If a screening indicates that a youth has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff receiving this information must ensure the youth is referred for a follow-up meeting with Medical or Clinical staff that must occur within 14 days of the screening (115.381 (a)).
  - 1. Staff receiving this information shall complete Form 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment," indicate the need for follow-up with Medical or Clinical Staff on the form, and deliver the form to the SYSC Internal Investigator. See Section III C immediately below for additional instructions when completing Form 2055.
- E. If a screening indicates that a youth has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff receiving this information shall ensure the youth is referred for a follow-up meeting with a Clinician that will occur within 14 days of the screening (115.381 (b)).
  - 1. Staff receiving this information shall complete Form 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment," indicate the need for follow up with Medical or Clinical Staff on the form, and deliver the form to the SYSC Internal Investigator. See Section III C immediately below for additional instructions when completing Form 2055.
- F. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to Medical, Clinical, and other staff as necessary to inform treatment plans, and security and management decisions, including: housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law (115.381 (c)).
  - 1. Re-disclosure of responses to questions during any screening mandated by PREA shall be limited to ensure sensitive information is not exploited to the youth's detriment by staff or other youth (115.341 (e)).
- G. For youth age 18 or older, Medical or Clinical staff shall obtain informed consent from the youth before reporting information about prior sexual victimization that did not occur in an institutional setting (115.381 (d)). For youth under the age of 18, Clinical or Medical staff shall advise youth of applicable reporting laws and make all reports as mandated.

### III. STAFF REPORTING DUTIES:

- A. All staff must report the following immediately to the SYSC Director or designee and the Supervisor On-Duty (115.361 (a)):
  - 1. Any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in/at SYSC;
  - 2. Any retaliation against youth or staff who reported such an incident; and



3. Any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment, or retaliation.
  4. If the SYSC Director, designee, or Supervisor On-Duty is implicated in the report, staff must ensure that this report is made to staff of an equivalent or higher status.
  5. Staff will document all reports, including verbal, third party, and anonymous reports on Form 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment."
- B. In the absence of immediate safety concerns for youth or staff, staff may make an anonymous or private report of sexual abuse or sexual harassment by using the options listed under Section IV of this policy (115.351 (e)).
- C. All allegations of sexual abuse and sexual harassment, including third party and anonymous reports, shall be documented on Form 2055 and reported to the SYSC Internal Investigator (115.361 (f), (115.354 in part)).
1. Staff must immediately deliver the Form 2055 to the SYSC Supervisor On-Duty. The Supervisor On-Duty will address any immediate safety issues and deliver Form 2055 to the SYSC Internal Investigator.
    - (a) Staff must delete any copies of Form 2055 from their account;
    - (b) Staff must delete any copies of email delivery from their email account; and
    - (c) Staff must ensure deletion from the 'Sent,' 'All Documents,' and 'Trash Folders.'
  2. The SYSC Internal Investigator(s) shall ensure the following notifications are made within 14 days of receiving the allegation (115.361 (e3)) to:
    - (a) The youth's assigned Juvenile Probation and Parole Officer (JPPO); and
    - (b) The youth's attorney or other legal representative of record, if retained by the committing court for the youth committed.
- D. Apart from reporting to the SYSC Director or designee, the Supervisor On-Duty, and DCYF Central Intake, staff are prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in SYSC policy, to make treatment, investigation, security, and management decisions (115.361 (c)).
- E. Medical and Clinical staff, in addition to the reports pursuant to part A of this section, must report sexual abuse to their supervisor, as well as to DCYF Central Intake pursuant to [RSA 169-C:29](#) (115.361 (d1)).
1. Medical and mental health practitioners are required to inform youth at the initiation of services of the practitioner's duty to report and the limitations of confidentiality (115.361 (d2)).
- F. Upon receiving any allegation of sexual abuse, the SYSC Director, or designee, shall promptly report the allegation, if not previously reported, to the Supervisor On-Duty, DCYF

Central Intake, and the alleged victim's parents or legal guardians, unless there is official documentation showing the parents or legal guardians should not be notified (115.361 (e1)).

1. If the alleged victim is under the guardianship of DCYF Child Protective Services, the notification shall be made to the alleged victim's Child Protective Service Worker (CPSW) instead of the parents or legal guardians (115.361 (e2)).

G. Reporting to other juvenile confinement facilities:

1. Upon receiving an allegation that a youth was sexually abused while confined at another facility, the SYSC Director shall notify the head of the facility, or appropriate office of the agency where the alleged abuse occurred, and report the alleged abuse directly to DCYF Central Intake (115.363 (a)).
  - (a) Such notification shall be provided as soon as practicable, but no later than 72 hours after receiving the allegation (115.363 (b)).
  - (b) The SYSC Director shall document that the above notification has occurred on Form 2055 "Reporting Form For Sexual Abuse, Sexual Assault, and Sexual Harassment" (115.363 (c)).

- H. In the event the SYSC Director receives notification from another facility that a youth formerly residing at the SYSC has alleged sexual abuse while at the SYSC, the SYSC Director shall ensure that the allegation is investigated in accordance with Section VI of this policy (115.363 (d)).

IV. YOUTH REPORT:

- A. The SYSC provides multiple, internal and external ways for committed or detained youth to privately report sexual abuse and sexual harassment, retaliation by other youth or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents (115.351 (a)).
  1. Youth may make a verbal report to any staff. Staff receiving a verbal report shall: report according to Section III of this policy (Staff Reporting Duties), document the report on Form 2055 "Reporting Form For Sexual Abuse, Sexual Assault, and Sexual Harassment," and submit the form to the SYSC Internal Investigator immediately.
  2. Youth may directly complete Form 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment," and submit the form to any staff or deposit the form in the Ombudsman Lock Box. Staff receiving Form 2055 from a youth must ensure immediate notification according to Section III of this policy and submit the form to the SYSC Internal Investigator immediately.
  3. Youth may use other means to report such as including the information in a Figuring-Out the Problem worksheet or other processing tools. Staff processing such a tool with youth who make an allegation must document the allegation on Form 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment," ensure immediate notification according to Section III of this policy, and submit the form to the SYSC Internal Investigator immediately.

- B. Staff shall accept reports made verbally, in writing, anonymously, and from third parties. All reports must be documented on Form 2055 "Reporting Form For Sexual Abuse, Sexual Assault, and Sexual Harassment" and submitted to the SYSC Supervisor On-Duty.
    - 1. The Supervisor On-Duty will address immediate safety concerns and deliver Form 2055 to the SYSC Internal Investigator.
    - 2. The SYSC Internal Investigator must notify the SYSC Director or designee and PREA Coordinator upon receipt of a report (115.351 (c)).
  - C. The SYSC has designated the "Ombudsman Program" to receive and immediately forward youth reports of sexual abuse and sexual harassment to SYSC Administration as a way for committed or detained youth to report abuse or harassment to an entity that is not part of the SYSC while allowing the youth to remain anonymous upon request (115.351 (b)) barring immediate safety concerns.
  - D. Youth may make reports to their parent(s)/guardians, JPPO, or other adults to report on their behalf. Staff receiving such a report must document on Form 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment" and submit Form 2055 to the SYSC Supervisor On-Duty.
    - 1. The Supervisor On-Duty will address immediate safety concerns and deliver Form 2055 to the SYSC Internal Investigator.
    - 2. The SYSC Internal Investigator must notify the SYSC Director or designee and PREA Coordinator upon receipt of a report (115.351 (c)).
  - E. Youth may make a report through the YWCA Crisis Services Hotline at 603-668-2299.
- V. INITIAL RESPONSE
- A. The response to the needs of a sexual abuse victim differs from the response to the alleged abuser. Furthermore, alleged youth abusers must be responded to differently from alleged staff, contractor, or volunteer abusers therefore, this section is divided into separate sections for: Youth Victim; Youth Abuser; and Staff, Contractor, or Volunteer Abuser. If the first staff responder is not a security staff member, the responder shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff (115.364 (b)).
    - 1. Youth Victim: Staff responding to a report of or witnessing the sexual abuse of a youth victim shall:
      - (a) Verbally command the alleged abuser to stop (if there is an active assault), call for assistance, and contact the Supervisor On-Duty immediately.
        - (1) The Supervisor On-Duty shall notify the SYSC Director or designee.
        - (2) The alleged victim and abuser must be separated immediately or as soon as practicable (115.364 (a1)) and for the duration of any ensuing investigation.

- (b) Preserve and protect any crime scene until appropriate steps can be taken to collect evidence (115.364 (a2)).
  - (1) Ensure no one enters or leave the scene after the victim and alleged abuser are separated until otherwise directed by the Supervisor On-Duty.
  - (2) The SYSC Internal Investigator, or the Law Enforcement Agency responding if a criminal (or delinquency) investigation ensues, shall preserve and collect evidence according to uniform evidence collection procedures.
- (c) The collection of physical evidence is viable if the abuse occurred within the past 120 hours (5 days). Staff shall request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating (115.364 (a3)). The restriction on these activities is not necessary if the abuse is reported to have occurred more than 120 hours (5 days).
- (d) The victim will be escorted to the Medical Department;
  - (1) The Supervisor On-Duty or Medical staff must ensure victim advocacy services are notified and accessible to the youth as requested by the youth.
  - (2) Medical staff shall complete an assessment of the victim and document their findings in the progress note.
    - (i) Any identified concern that forensic evidence of a criminal (or delinquent) act may need to be collected according to uniform evidence collection procedures shall be cause for the youth to be transferred to the Elliot Hospital or other hospital as approved by the SYSC Director or designee.
  - (3) When Medical staff determines a victim requires forensic examination, youth should be encouraged BUT NOT MANDATED to comply. Medical staff should explain that there would be two types of exams, the first to address any immediate medical concerns or injuries, the second for collecting evidence. Adolescent youth may consent to either or both but it should be made clear to the youth they are not mandated to comply.
  - (4) The Supervisor On-Duty and Medical staff shall coordinate and contact the Elliot Hospital to request a sexual assault examination by a qualified SANE Nurse for the victim. No Sexual Assault Evidence Collection Kit shall be administered at the SYSC.
  - (5) The Supervisor On-Duty shall notify the appropriate Law Enforcement Agency before the victim is transported to the hospital. The Supervisor On-Duty must make sure the incident is documented on a Form 2055 and also notify the victim's parent, JPPO, and Attorney.

- (6) The Supervisor or designee shall ensure appropriate staff coverage for the transport and hospital stay.
  - (e) The Supervisor On-Duty shall designate a staff member to complete Form 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment" and any staff witnessing the incident to complete a Witness Statement on [CourtStream](#).
  - (f) Staff must collect the clothing of the alleged victim for preservation of possible evidence according to uniform evidence collection procedures.
  - (g) The interview with the victim is an important piece of evidence and its integrity must be preserved. Victims should not repeat the details of the incident before the Internal Investigator's or Law Enforcement interview.
    - (1) If you are a first responder to an incident, limit your questions and do not ask for details of the incident.
    - (2) Once medically stabilized, questions should be limited to the following and documented on Form 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment:"
      - (i) When did the assault occur? (Establish if the incident is recent.)
      - (ii) Where did the assault occur? (Ensure the scene is secure.)
      - (iii) Who perpetrated the assault?
      - (iv) When was the last time you showered?
      - (v) Have you changed clothes since the assault, if so, where are the clothes?
  - (h) See Sections VIII, IX, and X below for additional information on Medical and Mental Health Care for victims.
  - (i) Youth alleged to be a victim of sexual abuse shall be placed on Administrative Watch for their protection as determined by the Supervisor On-Duty until further review by the youth's treatment team and SYSC Director or designee.
2. Youth Abuser: Staff responding to a report of or witnessing sexual abuse by a youth abuser shall:
- (a) Verbally command the alleged abuser to stop (if there is an active assault), call for assistance, and contact the Supervisor On-Duty immediately. The Supervisor On-Duty shall notify the SYSC Director or designee. The alleged victim and abuser shall be separated immediately or as soon as practicable (115.364 (a1)).
    - (1) The alleged victim and alleged abuser shall be separated for the duration of any ensuing investigation.
    - (2) The Supervisor On-Duty shall determine sight and sound separation to include modification to the abusing youths' programming and

educational schedules including referral to the Crisis Services Unit if appropriate.

- (b) The collection of physical evidence is viable if the abuse occurred within the past 120 hours (5 days). Staff shall request that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating (115.364 (a4)). The restriction on these activities is not necessary if the abuse is reported to have occurred more than 120 hours (5 days).
  - (c) Preserve and protect any crime scene until appropriate steps can be taken to collect evidence (115.364 (a2)).
    - (1) Ensure no one enters or leave the scene after the alleged victim and alleged abuser are separated until otherwise directed by the Supervisor On-Duty.
    - (2) The SYSC Internal Investigator, or the Law Enforcement Agency responding if a criminal (or delinquency) investigation ensues, shall preserve and collect evidence according to uniform evidence collection protocols.
      - (i) Staff must collect the abusing youth's clothing for preservation of possible evidence, according to uniform evidence collection procedures.
  - (d) The Supervisor On-Duty shall designate a staff member to complete Form 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment," any staff witnessing the incident to complete a Witness Statement on [CourtStream](#), and notify the victim's parent, JPPO, and Attorney.
3. Staff, Contractor, or Volunteer Abuser:
- (a) Staff who have been alleged to commit sexual abuse or sexual harassment of youth shall be reassigned immediately from direct youth contact pending further investigation by the SYSC Internal Investigator, or appropriate Law Enforcement Agency, and determination by the SYSC Director or designee.
  - (b) Contractors and volunteers alleged to commit sexual abuse or sexual harassment of youth shall have their access to the SYSC revoked pending further investigation by the SYSC Internal Investigator, or appropriate Law Enforcement Agency, and determination by the SYSC Director or designee.
  - (c) When applicable, the Supervisor On-Duty shall designate a staff member to complete Form 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment" and any staff witnessing the incident to complete a Witness Statement on [CourtStream](#).
    - (1) Do not include identifying information about the staff in the [CourtStream](#) report.

- (i) Document the information regarding the staff in a separate word document to provide to the Supervisor On-Duty.
  - (ii) The Supervisor On-Duty will contact the Administrator and deliver the word document to the SYSC Investigator.
- B. Sexual Assault Reported While Off Grounds of SYSC – If a sexual assault is reported for any youth in the custody of SYSC while off grounds of the SYSC, staff must:
  - 1. Notify the Supervisor On-Duty immediately. The Supervisor On-Duty shall immediately notify the SYSC Director or designee as soon as practicable. The Supervisor On-Duty shall contact the New Hampshire State Police or the police department in the jurisdiction where the assault occurred;
  - 2. Transport the victim to the SYSC Medical Department if practical, or the nearest Emergency Room depending on immediate medical needs; and
  - 3. Complete reporting requirements according to Section III of this policy.

VI. INVESTIGATIONS:

- A. An administrative or criminal (delinquency) investigation must be completed for all allegations of sexual abuse and sexual harassment (115.322 (a)) that are made by, or on the behalf of, youth committed or detained at the SYSC and youth on Administrative Release to Parole. Incidents involving youth on parole through the New Hampshire Juvenile Parole Board alleging sexual abuse or sexual harassment shall be reviewed by the SYSC Director, their designee, and the PREA Coordinator on a case-by-case basis for consideration as a PREA Incident and determine how best to respond to the incident.
- B. All allegations of sexual abuse or sexual harassment must be referred for preliminary investigation by the SYSC Internal Investigator to determine whether the allegation falls under the PREA Standards. The SYSC Internal Investigator shall prioritize the determination for potentially criminal (or delinquent) behavior. The SYSC Internal Investigator must report allegations that include potentially criminal (or delinquent) behavior to the New Hampshire State Police or the Manchester Police Department to request a criminal investigation (115.322 (b) in part).
  - 1. The SYSC Director or designee shall make a determination of contacting the Manchester Police Department based on the estimated response rate for the New Hampshire State Police in light of the nature of the incident.
- C. Criminal (delinquency) and administrative investigations:
  - 1. All criminal (delinquency) investigations shall conform to PREA and the most recent version of the New Hampshire Attorney General's ["Sexual Assault: An Acute Care Protocol for Medical/Forensic Evaluation."](#)
  - 2. The SYSC shall designate staff to act as Internal Investigators to administratively investigate allegations of sexual abuse. All staff designated as SYSC Internal Investigators must receive specialized training in sexual abuse investigations involving juvenile victims pursuant the PREA Standard [115.334] (115.371 (b)) as further described in this policy.

- (a) The Bureau of Organizational Learning and Quality Improvement (BOLQI) Organizational Learning Unit must approve all specialized training for Internal Investigators.
- 3. When the SYSC conducts internal, administrative investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations including third party and anonymous reports (115.371 (a)).
  - (a) The SYSC Internal Investigator shall make a screening decision on all Forms 2055 "Reporting Form for Sexual Abuse, Sexual Assault, and Sexual Harassment" received within 24 hours of receipt.
  - (b) For allegations screened-in for administrative investigation, the investigation shall begin immediately.
  - (c) The SYSC Internal Investigator shall document all PREA related investigations on Form 2096 "Investigation for Sexual Abuse, Assault, and Harassment."
    - (1) Once an investigation is completed, the SYSC Internal Investigator must sign Form 2096 and deliver the form to the PREA Coordinator for uploading to [CourtStream](#).
  - (d) For allegations screened-out, the SYSC Internal Investigator shall document the justification for screening-out on the Form 2055 and deliver the form to the PREA Coordinator.
- 4. Substantiated allegations that appear to be criminal (delinquent) shall be referred to the New Hampshire State Police, the Manchester Police Department, or the New Hampshire Attorney General's Office for prosecution (115.371 (i)).
- 5. SYSC Internal Investigators and Law Enforcement Agencies investigating at the SYSC shall: gather and preserve direct and circumstantial evidence, including any available physical evidence and electronic monitoring data; interview alleged victims, suspected abusers, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected abuser (115.371 (c)).
  - (a) When Investigators determine DNA evidence needs to be gathered and preserved from an alleged victim's body, the Investigator shall coordinate with Medical staff and the Supervisor On-Duty to arrange for a Sexual Assault Evidence Collection examination by a certified Sexual Assault Nurse Examiner (SANE) at the Elliot Hospital; however, the youth must consent to any forensic examination. See Section V-A 1:(d) above.
- 6. The SYSC Internal Investigator shall not terminate an investigation solely because the source of the allegation recants the allegation (115.371 (d)). All allegations must be fully investigated and all evidence must be considered in the determination of the investigation.
- 7. When the quality of evidence appears to support criminal (delinquency) prosecution, the SYSC Internal Investigator may consult with the responding Law Enforcement



Agency as to whether compelled interviews may be an obstacle for subsequent criminal (or delinquency) prosecution (115.371 (e)). Compelled interviews for criminal (or delinquency) investigation shall be conducted as part of a coordinated response and headed by the Law Enforcement Agency. Considerations include working cohesively with the Law Enforcement Agency to address safety concerns of staff and youth and to determine disciplinary and/or legal action, if deemed necessary.

8. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as a committed or detained youth or staff. The SYSC Director or designee **shall not** require a youth who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (115.371 (f)).
9. SYSC Administrative Investigations determination and documentation requirements.
  - (a) For allegations screened-in for investigation, the SYSC Internal Investigator's final report must include a determination whether staff actions or failures to act contributed to the abuse or the reason(s) why a determination could not be made (115.371 (g1));
  - (b) The final report shall be documented on Form 2096 "Sexual Abuse Investigations" and must include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings (115.371 (g2)).
10. Criminal (delinquency) investigations conducted by the New Hampshire State Police, the Manchester Police Department, and/or the New Hampshire Attorney General's Office shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence that includes copies of all documentary evidence where feasible (115.371 (h)).
11. The SYSC shall retain all written reports referenced in parts 9 and 10 of this section for as long as the alleged abuser is committed, detained or employed by SYSC, plus five years, unless the abuse was perpetrated by a committed or detained youth and applicable law requires a shorter period of retention (115.371 (j)).
12. The departure of the alleged abuser or victim from the employment or control of the SYSC shall not provide a basis for terminating an investigation (115.371 (k)).
13. The SYSC Director or designee shall advocate that any external State entity or Department of Justice component that conducts such investigations shall do so pursuant to the applicable requirements of PREA (115.371 (l)).
  - (a) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in the SYSC shall have in place a policy governing the conduct of such investigations (115.322 (e)). The SYSC Director or designee shall request a copy of the policy upon a Department of Justice component initiating an administrative or criminal investigation of sexual abuse or harassment at the SYSC.

14. When the New Hampshire State Police, the Manchester Police Department, and/or the New Hampshire Attorney General's Office investigate sexual abuse, the SYSC shall cooperate and designate the SYSC Internal Investigator as liaison to remain informed about the progress of the investigation (115.371 (m)).
  - (a) The SYSC Internal Investigator shall work collaboratively with the Law Enforcement Investigator to keep informed and to process safety concerns of the staff and youth as well as to process disciplinary actions if deemed necessary.
  - (b) The SYSC Internal Investigator shall be responsible for updating the SYSC Director or designee on the progress of the investigation.
- D. The SYSC standard for determining whether allegations of sexual abuse or sexual harassment are substantiated shall be no higher than a preponderance of the evidence when conducting administrative investigations (115.372).
- E. Reporting to youth:
  1. Following an investigation into a youth's allegation of sexual abuse at the SYSC, the SYSC Internal Investigator, with support from the youth's treatment team as applicable, shall inform the youth as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded (115.373 (a)) according to the following provisions:
    - (a) If the SYSC Internal Investigator did not conduct the investigation - as in the case of a allegation that was investigated by the New Hampshire State Police, the Manchester Police Department and/or the New Hampshire Attorney General's Office - the SYSC Internal Investigator shall request the relevant case information from the investigative agency to inform the youth, with support from the youth's treatment team as applicable (115.373 (b)).
    - (b) Following a youth's allegation that a staff member has committed sexual abuse against the youth, the SYSC Internal Investigator, with support from the youth's treatment team as applicable, shall subsequently inform the youth (unless the SYSC Internal Investigator has determined that the allegation is unfounded) whenever (115.373 (c)):
      - (1) The staff member is no longer posted within the youth's unit (115.373 (c1));
      - (2) The staff member is no longer employed at the SYSC (115.373 (c2));
      - (3) The SYSC Internal Investigator learns that the staff member has been indicted on a charge related to sexual abuse within the SYSC (115.373 (c3)); or
      - (4) The SYSC Internal Investigator learns that the staff member has been convicted on a charge related to sexual abuse within the SYSC (115.373 (c4)).

- (c) Consistent with the provisions of [RSA 169-B:35-a](#), following a youth's allegation that he or she has been sexually abused by another youth, the SYSC Internal Investigator shall subsequently request from the prosecutor, information to inform the alleged victim whenever (115.373 (d))):
    - (1) The alleged abuser has been indicted on a charge related to sexual abuse within the SYSC (115.373 (d1)); or
    - (2) The alleged abuser has been convicted on a charge related to sexual abuse within the SYSC (115.373 (d2)).
    - (3) All such notifications or attempted notifications shall be documented and done with support from the youth's treatment team as applicable (115.373 (e)).
  - 2. The obligation to report under this policy section shall terminate when the youth is released from SYSC custody (115.373 (f)).
- F. At the conclusion of every investigation the SYSC Internal Investigator shall refer all cases that are not unfounded or screened-out to the SYSC PREA Incident Review Committee by completing Form 2196A "Case Review Request Sheet" and delivering the form to the SYSC PREA Coordinator.
  - 1. Unfounded and screened-out cases can be reviewed at the discretion of the SYSC PREA Incident Review Committee Chairperson

## VII. PREA INCIDENT REVIEW:

- A. A PREA incident review shall be conducted within 30 days of the conclusion of every investigation pursuant to this policy, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded (115.386 (a) 386 (b)).
  - 1. The SYSC PREA Coordinator shall review and catalog all completed Forms 2096 "Investigation for Sexual Abuse, Assault, and Harassment" determined to be unfounded and retain according to Section VI-C 11 of this policy.
- B. The PREA Incident Review team shall include:
  - 1. SYSC PREA Coordinator –chair;
  - 2. SYSC Bureau Chief of Clinical and Residential Services;
  - 3. BOLQI Improvement, Quality Improvement Administrator;
  - 4. BOLQI Training Specialist;
  - 5. SYSC Internal Investigator; and
  - 6. On a case-by-case basis, the review team shall consider input from other staff such as Supervisors, Unit Managers, Youth Counselors, external investigators, and SYSC Medical or Clinical staff (115.386 (c)).

- C. The PREA Incident Review team shall:
1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse (115.386 (d1));
  2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility (115.386 (d2));
  3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse (115.386 (d3));
  4. Assess the adequacy of staffing levels in that area during different shifts (115.386 (d4));
  5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff (115.386 (d5)); and
  6. Report the PREA Incident Review team's finding on the Form 2196A "Case Review Request Sheet" including but not limited to determinations made pursuant to sections 1- 5, and any recommendations for improvement. Such reports shall be submitted to the SYSC Director (115.386 (d6)).
- D. The SYSC Director shall implement the recommendations for improvement, or shall document the reasons for not doing so (115.386 (e)).

#### VIII. EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMINATIONS:

- A. The SYSC Internal Investigator must follow uniform evidence collection protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions according to the instructions, training, and procedures learned during specialized training for investigators (115.321 (a)).
1. The evidence collection protocol shall be developmentally appropriate for youth and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or the New Hampshire Attorney General's ["Sexual Assault: An Acute Care Protocol for Medical/Forensic Evaluation"](#) (115.321(b)).
- B. Where evidentiary or medically appropriate, youth experiencing sexual abuse shall have access to forensic medical examinations without financial cost. Adolescent youth must consent to forensic medical examinations and must **not** be mandated to comply. See Section V-A 1:(d) above.
1. Sexual Assault Nurse Examiners (SANE) or other qualified medical practitioners shall conduct all forensic medical examinations. No Sexual Assault Evidence Collection Kit shall be administered at the SYSC and youth recommended for forensic examinations that consent must be transported to the Elliot Hospital as authorized by the SYSC Medical Department and Supervisor On-Duty (115.321 (c)).

C. Victim Advocate:

1. The SYSC has entered into a Memorandum of Understanding with the Manchester YWCA Crisis Services to provide victim advocacy services (115.321 (d)).
2. For allegations of sexual abuse referred to the New Hampshire State Police, Manchester Police Department, and/or the New Hampshire Attorney General's Office, the SYSC shall request the investigating agency follow the requirements of paragraphs A through D of this section (115.321 (f)).
3. Victim Advocate Access and Responsibilities:
  - (a) A referral may be made by the SYSC Supervisor On-Duty when responding to an incident of sexual abuse or the SYSC Internal Investigator upon screening-in an allegation for internal or external investigation. The SYSC Internal Investigator shall also notify the victim advocate when an external investigator schedules an interview with the alleged victim.
  - (b) As requested by the victim, the victim advocate shall accompany and support the victim through the forensic medical examination process and investigatory interviews, and shall provide emotional support, crisis intervention, information, and referrals (115.321 (e)).
    - (1) The victim advocate may review any standardized interview forms or procedures with the victim before the start of an interview. At the conclusion of the interview, the victim advocate may debrief with the victim (i.e. safety planning, referrals, assistance regarding intimidation/threats). The victim advocate may remain present during the interview for emotional support of the victim only.
    - (2) Additional responsibilities for victim advocate include:
      - (i) Ensuring that the victim is treated with fairness, compassion, and respect to maintain his/her dignity and privacy throughout the investigative process.
      - (ii) Providing emotional support and information to the victim.
      - (iii) Offering the victim information about available resources, financial assistance, and mental health services.
      - (iv) Informing the victim about the general investigative process and how it progresses.
      - (v) Ensuring the victim is reasonably protected from the accused throughout the investigative process through the security measures including protective custody to keep separated.

D. The requirements of paragraphs A through C of this section shall also apply to:

1. Any State entity outside of the Division for Children, Youth and Families that is responsible for investigating allegations of sexual abuse in the SYSC (115.321 (g1)); and
2. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in the SYSC (115.321 (g2)).

IX. MEDICAL AND MENTAL HEALTH CARE

- A. Youth victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by the SYSC Medical Department and the youth's treatment team according to their professional judgment (115.382 (a)).
- B. Youth victims of sexual abuse shall be offered timely information about, and timely access to, emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate as determined by the SYSC Medical Department (115.382 (c)).
- C. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (115.382 (d) and 115.383 (g)).

X. ONGOING MEDICAL AND MENTAL HEALTH CARE FOR SEXUAL ABUSE VICTIMS AND ABUSERS

- A. The SYSC offers medical and mental health evaluation and, as appropriate, treatment to all youth who have been victimized by sexual abuse consistent with the community level of care (115.383 (a) and (c)).
  - 1. The evaluation and treatment of victims shall include as appropriate: follow-up services, treatment plans, and, when necessary, referrals for continued care following a youth's transfer to, or placement in, other facilities, or release from custody (115.383 (b)).
  - 2. Youth victims of sexually abusive vaginal penetration while committed or detained at SYSC shall be offered pregnancy tests by the SYSC Medical Department (115.383 (d)).
    - (a) If pregnancy results from a sexual assault, such victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services coordinated by the SYSC Medical Department (115.383 (e)).
- B. Youth victims of sexual abuse shall be offered tests for sexually transmitted infections as determined by the SYSC Medical Department (115.383 (f)).
- C. The SYSC shall conduct a mental health evaluation of all known youth-on-youth abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by the youth's treatment team (115.383 (h)).

XI. ISOLATION PURSUANT TO PREA PROHIBITED:

- A. Although PREA authorizes the use of isolation to ensure the safety of Gay, Lesbian, Bisexual, Transgendered, or Intersex youth, such youth shall not be isolated pursuant to the PREA Standards.

- B. When safety issues present for Gay, Lesbian, Bisexual, Transgendered, Intersex youth or other youth, the Supervisor On-Duty shall order the youth to be on Administrative Watch pending further review by the youth's treatment team and SYSC Director or designee.

## XII. PROTECTION AGAINST RETALIATION:

- A. Retaliation for any report or cooperation in any investigation is prohibited. All youth and staff who report sexual abuse or sexual harassment, or cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation by other youth or staff.
  - 1. All staff are designated to monitor for incidents of retaliation under this section. All incidents must be reported to the Supervisor On-Duty. The Supervisor On-Duty must report to the SYSC Director or designee as soon as practicable (115.367 (a)).
- B. The SYSC shall employ multiple protection measures, including but not limited to, housing changes or transfers for youth abusers and victims, removal of alleged staff or youth abusers from contact with victims, and emotional support services for youth or staff that fear retaliation for reporting sexual abuse or sexual harassment, or for cooperating with investigations. These services include, but are not limited to supervision with their immediate supervisor, the SYSC Ombudsman program, and the New Hampshire Employee Assistance Program (115.367 (b)).
- C. For at least 90 days following a report of sexual abuse, the SYSC shall monitor the conduct or treatment of youth or staff who report sexual abuse, and of youth alleged to have suffered sexual abuse, to determine if there are behavioral changes that may suggest possible retaliation and shall act promptly to correct any such retaliation. Supervisory and administrative staff shall ensure monitoring and prompt investigation of any allegation of retaliation and take any necessary corrective actions.
  - 1. The SYSC shall monitor: youth conduct, youth disciplinary reports, housing (i.e. referral to CSU) or program changes. Supervisory staff shall monitor staff for negative performance reviews, reassignments, or other indicators that might indicate possible retaliation. The SYSC shall continue such monitoring beyond 90 days if monitoring indicates a continuing need (115.367 (c)).
  - 2. In the case of youth, such monitoring shall also include periodic status checks for youth including emotional status conducted by their assigned clinician and safety and security checks conducted by assigned Youth Counselors (115.367 (d)).
  - 3. If staff or any other individual who cooperates with an investigation expresses a fear of retaliation, the SYSC Director or designee shall respond appropriately to protect that individual against retaliation as previously described in this policy (115.367 (e)).
  - 4. The SYSC obligation to monitor retaliation shall terminate if the allegation is determined unfounded (115.367 (f)), however SYSC staff should monitor and respond to any safety or mental health issues that might present.

## XIII. PREA MANDATED TRAINING:

- A. All staff that may have contact with youth shall be trained on:

1. The SYSC zero tolerance policy for sexual abuse and sexual harassment (115.331(a1));
  2. How staff can fulfill their responsibilities under SYSC sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures (115.331(a2));
  3. The right of youth to be free from sexual abuse and sexual harassment (115.331(a3));
  4. The right of youth and employees to be free from retaliation for reporting sexual abuse and sexual harassment (115.331(a4));
  5. The dynamics of sexual abuse and sexual harassment in juvenile facilities (115.331(a5));
  6. The common reactions of youth victims of sexual abuse and sexual harassment (115.331(a6));
  7. How staff can detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between youth (115.331(a7));
  8. How staff can avoid inappropriate relationships with youth (115.331(a8));
  9. How staff can communicate effectively and professionally with youth, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming youth (115.331(a9));
  10. How staff can comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities (115.331(a10)); and
  11. Relevant laws regarding the applicable age of consent (115.331(a11)).
- B. Such training shall be tailored to the unique needs and attributes of committed or detained youth and to their gender. Staff shall receive additional training if the staff is reassigned from a unit that houses only male youth to a unit that houses only female youth or vice versa (115.331(b)).
- C. All current staff that has not received such training shall be trained by August 20, 2014 and the SYSC shall provide each staff with refresher training every two years to ensure that all staff understands the current SYSC sexual abuse and sexual harassment policies and procedures. In years in which staff does not receive refresher training, the SYSC shall provide refresher information on current sexual abuse and sexual harassment policies (115.331(c)).
- D. The SYSC shall document through staff's signature or electronic verification acknowledgement of understanding the training they have received (115.331(d)).
- E. Volunteer and Contractor Training:



1. All volunteers and contractors who have contact with committed or detained youth shall be trained before beginning their assignment on their responsibilities under the SYSC's sexual abuse and sexual harassment prevention, detection, and response policies and procedures (115.332 (a)).
2. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with committed or detained youth, but all volunteers and contractors who have contact with youth shall be notified of the SYSC zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (115.332 (b)).
3. The SYSC shall document through the volunteer's or contractor's signature or electronic verification acknowledgement of understanding the training they have received (115.332 (c)).

F. Specialized Training for Staff Designated as Internal Investigators:

1. In addition to the general training provided to all employees pursuant to Section A immediately above, the SYSC shall ensure that staff designated as 'Internal Investigators' for sexual abuse and harassment investigations have received training in conducting such investigations in confinement settings (115.334 (a)).
  - (a) Specialized training shall include techniques for interviewing youth sexual abuse victims, proper use of Miranda (Benoit) and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral (115.334 (b)).
  - (b) The SYSC shall maintain documentation that Internal Investigators have completed the required specialized training in conducting sexual abuse investigations (115.334 (c)).
2. The SYSC Director or designee shall advocate any other State entity or Department of Justice component that investigates sexual abuse at the SYSC shall provide such training to its agents and investigators who conduct such investigations (115.334 (d)).

G. Specialized Training for Staff Providing Medical and/or Mental Health Care:

1. All full-time and part-time medical and mental health care practitioners who work regularly at the SYSC shall be trained in:
  - (a) How to detect and assess signs of sexual abuse and sexual harassment (115.335 (a1));
  - (b) How to preserve physical evidence of sexual abuse (115.335 (a2));
  - (c) How to respond effectively and professionally to youth victims of sexual abuse and sexual harassment (115.335 (a3)); and
  - (d) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment (115.335 (a4)).

2. The SYSC shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard (115.335 (c)).
3. Medical and mental health care practitioners shall also receive the training mandated for staff under Section A, or for contractors and volunteers under Section E immediately above, depending upon the practitioner's status at the SYSC (115.335 (d)).